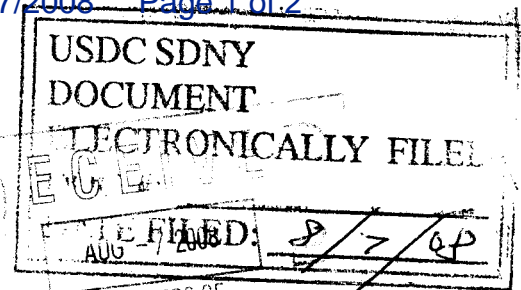




STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

MEMO ENDORSED



LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

(212) 416-8922

August 6, 2008

Honorable William H. Pauley III  
United States District Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street, Rm. 2210  
New York, New York 10007

*Application granted.*  
**SO ORDERED:**

*William H. Pauley III*  
WILLIAM H. PAULEY III U.S.D.J.

*8/7/08*

Re: Carroll v. Department of Correction Services, et al. (08-cv-5174) (WHP)

Dear Judge Pauley:

The Office of the Attorney General of the State of New York represents New York State Department of Correctional Services Commissioner Brian Fischer and Superintendent Luis R. Marshall ( the "Defendants") in the above-referenced matter. I write to request an extension of time by which Defendants must move or answer with respect to the complaint from August 11, 2008 to and including September 24, 2008. This is the Defendants first request for an extension of time. I have contacted Ms. Cynthia Conti-Cook, counsel for the Plaintiff, and she has consented to my request for an extension.

Upon information and belief, defendant Corrections Officer K. Salters has not yet been served with the summons and complaint and has not requested representation by this Office pursuant to New York Public Officers Law Section 17. If Officer Salters is served, however, it is respectfully requested that he be granted the same adjournment.

An extension of time is necessary, in the interest of efficiency, for the remaining defendant to be served and for the defendants to submit a joint motion or answer. In addition, the

additional time will allow this office to obtain the necessary files and documents, investigate the facts, research applicable law and draft responsive papers.

Wherefore, it is respectfully requested that Defendants' request for an extension to move or answer with respect to the complaint to and including September 24, 2008 be granted.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas M. Biesty". The signature is written in a cursive style with a large, stylized 'T' and 'B'.

THOMAS M. BIESTY  
Assistant Attorney General

cc: Cynthia Conti-Cook, Esq.  
(Via electronic mail)